

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 26 JUL 2005

Applicant's or agent's file reference RPW:KKA:FP21355	FOR FURTHER ACTION	See Form PCT/IPEA/416 WIP PCT
International application No. PCT/AU2005/000434	International filing date (day/month/year) 24 March 2005	Priority date (day/month/year) 24 March 2004
International Patent Classification (IPC) or national classification and IPC Int. Cl. A01K 27/00 (2006.01) F16B 45/00 (2006.01)		
Applicant RED DINGO GMBH et al		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 33 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																	
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input checked="" type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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Date of submission of the demand 24 January 2006	Date of completion of this report 17 July 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer A. SEN Telephone No. (02) 6283 2158

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:
- ☒ The international application in the language in which it was filed.
- ☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description: pages _____, as originally filed/furnished
pages **1-24**, received by this Authority on **9 March 2006** with the letter of **8 March 2006**
pages _____, received by this Authority on _____ with the letter of _____
- ☒ the claims: pages _____, as originally filed/furnished
pages _____, as amended (together with any statement) under Article 19,
pages **25-32**, received by this Authority on **9 March 2006** with the letter of **8 March 2006**
pages _____, received by this Authority on _____ with the letter of _____
- ☒ the drawings: pages **1/16-3/16, 5/16-16/16**, as originally filed/furnished
pages **4/16**, received by this Authority on **9 March 2006** with the letter of **8 March 2006**
pages _____, received by this Authority on _____ with the letter of _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claim Nos: **25-32**

because:

☐ the said international application, or the said claim Nos.

relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos.
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos.
are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for said claim Nos. **25-32**

☐ A meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ Furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ Furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ Pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b) and 13*ter*.2.

☐ A meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-13, 23, 24, 35, 36	YES
	Claims 14-22, 33, 34	NO
Inventive step (IS)	Claims 1-13, 23, 24	YES
	Claims 14-22, 33-36	NO
Industrial applicability (IA)	Claims 1-24, 33-36	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

PLEASE NOTE: Claims 25-32 have not been commented on because they were not searched during the ISR stage, being equivalent to the as-filed Claims 45-53. As shown in the ISO, in searching for Claims 54 and 55 that were appended to as-filed Claims 17-44, it was effectively the as-filed Claims 17-44 that were searched although they defined a different invention. Since Claims 54 and 55 were not appended to Claims 45-53, the latter claims were not searched.

NOVELTY: Claims 14-22, 33, 34

(a) US 4356391: Claims 14, 15, 17-19*: U-shaped shackle/clip 1; link/pin 3/4; link is certainly suitable for a pet lead

(b) JP 2003-021129: Claim 14-16, 17-19*; U-shaped shackle/clip 1; link/screwable pin 4; link is certainly suitable for a pet lead

(c) US 4541364: Claims 17-19*; link 40; clip 16

(d) US 6460488: Claims 17-19*; link between 14 and 12; clip 14

(e) EP 622555: Claims 20, 21; first link 12; second link 10a integrally formed with clip 10; body with T-slot formed integrally with 10a; stem/T-piece 20; slot is elongate as can be clearly seen from figures 1, 12, 13

(f) US 6286190: Claims 22; deformable lug 42/142/242

(g) US 6671933: Claims 22; deformable lug 42

(h) AU 115089S: Claims 33, 34; movable stump below kangaroo forms legs of the animal

* all that is being claimed in these claims is an attachment mechanism/(link + clip) per se, irrespective of the type of lead, buckle, etc it is eventually connected to, although the mechanism must be suitable for connection to such lead; all the citations disclose mechanism suitable for such connection

Continued In Supplemental Box

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

INVENTIVE STEP (IS): Claims 14-22, 33-36

Claims 14-22, 33, 34: as above

Claims 35, 36 each lack an inventive step with respect to AU 115089S. There can be no invention in choosing a particular portion of the body of the animal over any other. Therefore the invention defined in the claims is a mere variation of the invention disclosed in the citation and the person skilled in the art (PSA) would arrive at the claimed invention by general experimentation alone without exercising ingenuity.

Please also refer to Box VI for a 'P' document.

Box No. VI **Certain documents cited**

1. Certain published documents (Rule 70.10)

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
US 2004/0208692	21 October 2004	16 April 2004	18 April 2003

Claims 33-36 each lack novelty with respect to this document as can be seen from the description and drawings; eg teeth 18 is movable by jaw portion 14/114

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosureDate of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)